

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**
HUNTINGTON DIVISION

UNITED STATES OF AMERICA

v.

Case No.: 3:20-cr-00170

STEVEN ANTHONY MCGEE

**MEMORANDUM OPINION AND ORDER
SEALING MOTION AND EXHIBITS**

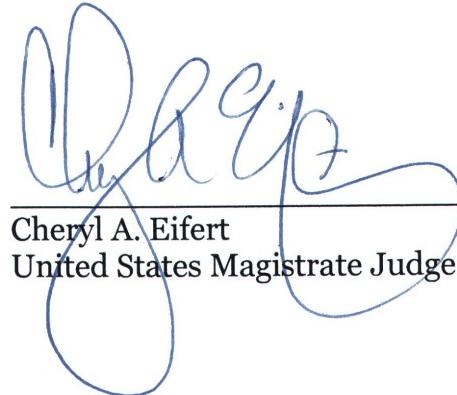
Pending before the Court is Defendant's Motion to Seal requesting the attached motion for pretrial release and exhibits be sealed. (ECF No. 23). The Court notes that the attached Motion for Pretrial Release and exhibits contains confidential information. Due to the confidential nature of the information contained in the motion and attached exhibits, and the requirement that such information not be published, this Court **ORDERS** the Clerk to file Defendant's Motion for Pretrial Release from Custody due to Covid-19 and the exhibits attached to the motion as sealed. (ECF No . 23-1).

The undersigned is cognizant of the well-established Fourth Circuit precedent recognizing a presumption in favor of public access to judicial records. *Ashcraft v. Conoco, Inc.*, 218 F.3d 288 (4th Cir. 2000). As stated in *Ashcraft*, before sealing a document, the Court must follow a three-step process: (1) provide public notice of the request to seal; (2) consider less drastic alternatives to sealing the document; and (3) provide specific reasons and factual findings supporting its decision to seal the documents and for rejecting alternatives. *Id.* at 302. In this case, the motion and attached exhibits

shall be sealed and will be designated as sealed on the Court's docket. The Court deems this sufficient notice to interested members of the public. The Court has considered less drastic alternatives to sealing the documents, but in view of the nature of the information set forth in the documents—which is information generally protected from public release—alternatives to wholesale sealing are not feasible at this time. Accordingly, the Court finds that sealing the motion for pretrial release and attached exhibits does not unduly prejudice the public's right to access court documents.

The Clerk is instructed to provide a copy of this Order to the defendant, counsel of record, and the Probation Department.

ENTERED: December 18, 2020



Cheryl A. Eifert
United States Magistrate Judge